



Docket No.: 242835US2
Date Allowed: 03/11/05

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



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RE: Application Serial No.: 10/661,615
Applicants: Kouta INOUE, et al.
Filing Date: September 15, 2003
For: METHOD OF MANUFACTURING
SEMICONDUCTOR DEVICE HAVING MIM
CAPACITOR
Group Art Unit: 2812
Examiner: Geyer, S.B.

SIR:

Attached hereto for filing are the following papers:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Our check in the amount of - 0 - is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

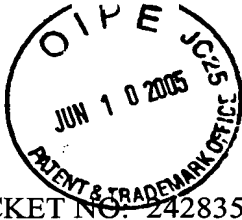
Respectfully submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF : DATE ALLOWED: 03/11/05
KOUTA INOUE, ET AL. : EXAMINER: GEYER, S.B.
SERIAL NO: 10/661,615 :
FILED: SEPTEMBER 15, 2003 : GROUP ART UNIT: 2812
FOR: METHOD OF MANUFACTURING :
SEMICONDUCTOR DEVICE HAVING
MIM CAPACITOR

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The “examiner’s statement of reasons for allowance,” included under the heading “Allowable Subject Matter,” on page 2 attached to the “Notice of Allowability” (PTOL-37) that is in turn attached to the “Notice of Allowance and Fee(s) Due” mailed March 11, 2005, is mistaken in several respects as to the subject matter of allowed Claims 19 and 20.

First, neither allowed Claim 19 nor allowed Claim 20 recite that the first and second openings are “contiguous” as erroneously asserted. Instead, allowed Claim 19 and allowed Claim 20 recite the step of “creating a second opening in said insulating film communicating with said first opening” (emphasis added). The words “communicating” and “contiguous” are not synonyms.

Furthermore, neither allowed Claim 19 nor allowed Claim 20 recite “completely filling [the first and third] openings.” Instead, allowed Claim 19 simply recites “said first metal film being deposited so as to extend into and to fill the first and the third opening”

while allowed Claim 20 does not even recite the word “fill” in its recitation that “said first metal film being deposited so as to extend into the first and the third opening.”

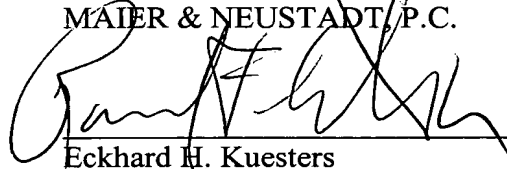
In this last regard, the Amendment filed February 28, 2005, pointed out that new Claim 20 differs from allowed Claim 19 because it recites the depositing of the first metal film, the dielectric film, and the second metal film differently so as not to require that “only” the first metal film can extend into the first and the third opening. Thus, Claim 20 was noted to not be limited to the first film filling the first and the third opening as recited by Claim 19.

Finally, neither allowed Claim 19 nor allowed Claim 20 recite “forming a dielectric film and a second metal film in the second opening to complete a capacitor structure in the second opening,” as erroneously stated. Instead, allowed Claim 19 recites “depositing a first metal film, a dielectric film, and a second metal film, to be stacked in this order above said first opening with only said first metal film being deposited so as to extend into and to fill the first and the third opening so as to form contact plugs to an area exposed by the first and third openings” while Claim 20 recites a similar step of “depositing a first metal film, a dielectric film, and a second metal film, to be stacked in this order above said first opening with said first metal film being deposited so as to extend into the first and the third opening so as to form contact plugs to an area exposed by the first and third openings,” which omits the words “and to fill” from the Claim 19 recitation.

Accordingly, the "examiner's statement of reasons for allowance," included under the heading "Allowable Subject Matter," on page 2 attached to the "Notice of Allowability" (PTOL-37) that is in turn attached to the "Notice of Allowance and Fee(s) Due" mailed March 11, 2005, is clearly in error as to the subject matter of independent Claim 19 and independent Claim 20 and should be withdrawn.

Respectfully submitted,

OBLON, SPIVAK, MCCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'Eckhard H. Kuesters', is written over a horizontal line.

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